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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,680	05/29/2001	Jeffrey H. Bennett	78848-19/ccm	4138
7380	7590	04/29/2003		
SMART & BIGGAR P.O. BOX 2999, STATION D 55 METCALFE STREET, SUITE 900 OTTAWA, ON K1P5Y6 CANADA			EXAMINER JONES, STEPHEN E	
			ART UNIT 2817	PAPER NUMBER
			DATE MAILED: 04/29/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/865,680	BENNETT ET AL.
	Examiner Stephen E. Jones	Art Unit 2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 February 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) 3-13 and 19-21 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,14-18 and 22-24 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) 1-24 are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of Species II (Fig. 4) in Paper No. 3 is acknowledged. The traversal is on the ground(s) that that the different embodiments detailed by the examiner are not separate species, but are alternatives. This is not found persuasive because the three species detailed by the examiner are power limiter circuits which are distinct from each other and each includes an unobvious feature from the rest. Species I (Fig. 3) includes a shunt capacitance. Species II (Fig. 4) does not have the shunt capacitance and uses the characteristics of the diode to provide the entire capacitance. Also, Species III (Fig. 5) includes a tapered (reducing quantity) array of series/parallel diodes. The unobvious "alternative" variations described above are thus referred to as species since they are patentably distinct, and present a burden to the examiner in both prior art searching and examination.

The requirement is still deemed proper and is therefore made FINAL.

Applicant indicated that Claims 1-24 read on the elected species. However, upon examination Claims 3-13 and 19-21 more appropriately read on a non-elected species such as Species III (Fig.5) which teaches series connected diodes and arrays having parallel rows of series connected diodes.

2. Accordingly Claims 3-13 and 19-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 3.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 15-18 and 23-24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Calviello et al.

Calviello et al. (Fig. 5) teaches a power limiter (see Col. 1, lines 7-13, and the abstract) including: two input terminals (shown at Zin) for coupling a high frequency signal (e.g. see Col. 4, lines 20-24) to output terminals which are connected to a transistor amplifier circuit (326 and see Col. 1, lines 9-13); the output of the limiter is coupled to the input of the amplifier (Claims 15-16 and 23); the device is a GaAs integrated circuit (e.g. see Figs. 39-41) (Claim 17); a first transmission line section includes a series inductance (320) and two oppositely poled parallel Schottky diodes (shown to the left of inductance (322)); a second transmission line section includes an inductance (322) and two oppositely poled Schottky diodes (328, 330); each set of diodes provides a shunt capacitance (e.g. see Fig. 6); the diodes are connected to their respective section outputs (Claim 2) and inherently limit the output of their respective sections since the diodes are limiting elements (e.g. see Col. 1, line 61) (Claims 1, 18, and 24).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calviello et al.

Calviello et al. teaches the use of Schottky diodes in a power limiter as described above. However, Calviello does not explicitly teach that the Schottky diodes are MESFET diodes having a source and drain connected together.

It would have been considered obvious to one of ordinary skill in the art to have substituted MESFET diodes having a source and drain connected together in place of the generic Schottky diodes in the Calviello limiter, because MESFET's having their source and drain connected together are a well-known art-recognized equivalent

Schottky diode means which advantageously uses the intrinsic Schottky diode properties included in MESFET devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen E. Jones whose telephone number is 703-305-0390. The examiner can normally be reached on Monday through Friday from 8 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Pascal can be reached on 703-308-4909. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6251 for regular communications and 703-308-6251 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
Stephen E. Jones  
Patent Examiner  
Art Unit 2817

SEJ  
April 24, 2003